

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT HEARD,

Plaintiff,

V.

JAMES ROBART,

Defendant.

Case No. C18-0261RSL

## CERTIFICATION

On April 12, 2018, the above-captioned matter was dismissed because the defendant is absolutely immune from liability exposure to litigation for acts done in the exercise of his judicial functions. Plaintiff has now appealed the dismissal. This matter is again before the Court to determine whether *in forma pauperis* status should continue through the appeal.

Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” For purposes of this statute, “good faith” is generally established “by the presentation of any issue that is not plainly frivolous.” Ellis v. United States, 356 U.S. 674 (1958). Having reviewed the complaint and other documents of record, the Court finds that plaintiff’s claims are frivolous and this appeal is not taken in good faith.

Dated this 2nd day of May, 2018.

Mrs Casnik

**Robert S. Lasnik  
United States District Judge**

## CERTIFICATION